

REMARKS

Claims 1-17 are pending. Claims 2-15 have been withdrawn from consideration. By this response, claim 17 is amended. Reconsideration and allowance based on the above amendment and following remarks are respectfully requested.

The Office Action rejects claims 1 and 16 under 35 U.S.C. § 103(a) as being unpatentable over Heumann et al. (US 5,661,811) in view of Applicant's admitted prior art and claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Heumann, Applicant's admitted prior art and Smith et al. (GB 2 246 688A). These rejections are respectfully traversed.

In the Office Action the Examiner asserts that Heumann teaches each of the claimed features of independent claim 1 except for use of audiovisual devices. The Office Action asserts that Applicants admitted prior art teaches the use of audiovisual devices which one of ordinary skill would combine with Heumann's teachings to provide the claimed features. Applicants respectfully disagree.

Applicants respectfully submit that Heumann fails to teach an operating device mounted in a neighborhood of a driver performing a predetermined operation by the driver, a control device for outputting a first control signal based on what sort of operation is performed by the operating device and a first signal attenuated for attenuating an input signal to headphones in response to the first control signal, as reciting claim 1.

As recited above, claim 1 refers to a driver performing an operation using an operating device near the driver, thus in the front seat of the car. A control device then outputs a control signal based on this operation to the headphones located in the rear seats to attenuate an input signal to those headphones.

Heumann, in contrast, teaches the controlling of the volume of the rear headphones by using the rear seat controls. Col. 3, lines 33-40 state:

“ a rear control 34 includes a speaker/headphone switch 54 under microprocessor control for selectively connecting the rear amplifier 24 output to the rear speakers 36 of two headphones 38. A volume control 56 is provided for each headphone. Six control buttons on the rear control 34 operate switches to send command signals to the microprocessor.”

At Col. 3, lines 46-47 and 55-57 it states:

“ the six control buttons are power 60, AM/FM 62, P.SetProg 64, TAPE/CD 66, seek up 68 and seek down 70...power button 60 turns the control and headphones 38 on, the rear speaker 36 off, and vice versa.”

It is gleaned from the above disclosure in Heumann that the rear headphones are controlled by the rear control 34 and not by any operating device mounted near a driver. Thus, Heumann fails to teach the above noted features of Applicants independent claim 1 as alleged in the Office Action.

Furthermore, one of ordinary skill in the art would not look to Applicants admitted prior art which discloses using audiovisual devices to combine with the teaches of Heumann's audio only system. For example, Heumann's system includes an audio processor controls for only controlling audio features etc. There is no teaching or suggestion of including a video processor, any type of video displays or control of any type of video system. The system of Heumann was designed around 1994. Thus, for example, one with ordinary skill in the art would not look to a purely audio system in a 1994 Ford™ car or other type of car and say to themselves that the system in Heumann is the basic building block of an audiovisual system based on Applicants admitted prior art which only asserts that audiovisual devices can be implemented in vehicles. Controls

of an audio system are not designed for video or integration of such video with the audio and thus would require extensive redesign to implement video therein. Furthermore, there is no suggestion in Heumann or Applicants admitted prior art or by one of ordinary skill to include audiovisual devices as suggested in Applicant admitted prior art into Heumann's system. In fact, Applicants admitted prior art teaches an audiovisual system designed for audio and visual and not audiovisual devices implemented on a purely audio system.

Therefore, the combination of Heumann and Applicant's admitted prior art fail to teach each and every feature Applicants independent claim 1 as required. Therefore, a rejection under 35 U.S.C § 103(a) in view of Heumann and Applicant's admitted prior art has not been established.

Further, regarding dependent claim 17, the Office Action alleges that Smith teaches the claimed attenuation by 10db. Applicants note that claim 17 has been amended to further clarify the attenuation as being in response to the first control signal. Applicants note that a signal can be attenuated by any level and that the attenuation itself is not the novelty of the invention. The circumstances surrounding the attenuation and what leads to the attenuation is what comprises the novelty. Claim 17 recites the attenuation abruptly of the input signal in response to the first control signal. The first control signal is created due to the implementation of an operation device by a driver. Smith does not teach this feature which is absent in Heumann and Applicants admitted prior art. In Smith, the attenuation is performed based on outside noise detected and when no speech is detected. Smith's attenuation has nothing to do with the operation of a driver.

Therefore, Applicants respectfully submit that claim 17 is distinguished from the combination of Heumann, Applicants admitted prior art and Smith.

In view of the above, Applicants respectfully submit that claim 1 and dependent claims 16 and 17 are distinguishable over the cited references. Accordingly, reconsideration and withdrawal of the rejections are respectfully requested.

Conclusion

For at least the above reasons, it is respectfully submitted the claims are now in condition for allowance. Favorable consideration and prompt allowance are earnestly solicited.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Chad J. Billings Reg. No. 48,917 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: August 15, 2007

Respectfully submitted,

By 

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